

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:10CR026-P-D

CALVIN WESLEY MOORE,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon the Government's April 7, 2010 Motion for Continuance [10]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for April 12, 2010. The Government avers that it files its continuance in conjunction with the defense in order to allow additional time to obtain the presence and testimony of an essential witness.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(3)(A), the period of delay from April 12, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(3)(A) because the need to locate and obtain testimony from an essential witness. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The Government's April 7, 2010 Motion for Continuance [10] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, July 26, 2010 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from April 12, 2010 to July 26, 2010 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 5, 2010; and

(5) The deadline for submitting a plea agreement is July 12, 2010.

SO ORDERED this the 7th day of April, A.D., 2010.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE